

**AMENDMENT TO H.R. 800**  
**OFFERED BY MR. KILDEE AND**  
**MR. GEORGE MILLER OF CALIFORNIA**

Page 10, after line 25, insert the following:

1           (D) TERMINATION.—If a local educational  
2           agency or school that receives a waiver under  
3           this section experiences a statistically signifi-  
4           cant decrease in the level of performance in  
5           achieving the objectives described in paragraph  
6           (3)(A)(iii) or goals in paragraph (4)(A)(iii) for  
7           2 consecutive years, the State educational agen-  
8           cy shall, after notice and an opportunity for a  
9           hearing to explain such decrease, terminate the  
10          waiver authority granted to such local edu-  
11          cational agency or school. If, after notice and  
12          an opportunity for a hearing, the State edu-  
13          cational agency determines that the decrease in  
14          performance was justified due to exceptional or  
15          uncontrollable circumstances such as a natural  
16          disaster or a precipitous and unforeseen decline  
17          in the financial resources of the State, the waiv-  
18          er shall not be terminated.